

BEFORE THE INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A  
JUDGE, NO. 05-437

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**NOTICE OF FORMAL CHARGES**

TO: The Honorable Cliff Barnes  
St. Lucie County Court  
226 Courthouse Addition  
218 South 2nd Street  
Fort Pierce, FL 34950

YOU ARE HEREBY NOTIFIED that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of the majority of its members determined pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, § 12(b) of the Constitution of the State of Florida, find that probable cause exists for formal proceedings to be taken against you, and the same are hereby instituted against you to inquire into charges based upon allegations that you acted in violation of Canons 1, 2, 3 and 5 of the Florida Code of Judicial Conduct and have failed to abide by *Fla. Stat.* § 741.281 in that:

1. You have violated Canon 2 and Canon 3 by demeaning the integrity and independence of the judiciary and the judicial system by taking your complaints regarding the propriety of the conduct of the sheriff, state attorney and public defender in your county or circuit into a public forum. Specifically, you have demeaned the integrity and independence of the judiciary by writing an article as a guest columnist for a local

newspaper, which provides misleading information to the public concerning the judicial system.

2. You have violated Canons 1, 2 and 3 by filing as a judge a Petition for Writ of Mandamus in the Fourth District Court of Appeal that creates the appearance of impropriety concerning your ability to act in an impartial manner as a judge in criminal proceedings. Moreover, in that Petition you violated Canons 1 and 2 by alleging specific improprieties by another sitting judge without appropriate foundation, which had the effect of eroding public confidence in the judicial system.

3. In violation of Canon 5, you filed a Petition for Writ of Mandamus in the Fourth District Court of Appeal advocating a position that benefits third parties and thereby violating that canon's prohibition against a sitting judge practicing law.

4. You have violated Canons 1 and 2 by taking actions that called the judiciary into disrepute. These actions include unfounded public attacks against the judiciary and sitting judges and other public officials, demeaning your office by a series of actions including: contempt for the judicial education process; failure to wear appropriate attire during court proceedings; engaging in inappropriate colloquies on the bench with defendants; and by refusal to attend judicial meetings with other judges in your circuit.

5. In violations of Canons 1 and 2 you have demeaned the integrity and independence of the judiciary by failing to follow proper channels concerning grievances regarding other judges' alleged misconduct. In this regard, you have chosen to air your grievances in the media rather than by taking available steps to bring your complaints to

the appropriate authorities, including but not limited to, the Judicial Qualifications Commission and/or the Florida Bar or by steps within the system to enlist the support of other judge's to appropriately modify judicial conduct or attitudes.

6. In violation of Canons 2 and 3 you have failed as a matter of practice to comply with *Fla. Stat.* § 741.28, which requires individuals convicted of domestic violence to be sentenced to 12 months probation and to complete a batterers' intervention program.

7. You have violated Canons 1, 2 and 3 as detailed in these Charges cumulatively. This cumulative misconduct constitutes a pattern and practice unbecoming a judicial officer and lacking the dignity appropriate to judicial office, with the effect of bringing the judiciary into disrepute.

8. These acts, if they occurred as alleged, would: impair the confidence of the citizens of the state in the integrity of the judicial system and in you as a judge; would constitute a violation of the cited *Florida Statutes* and Canons of the Code of Judicial Conduct; would constitute conduct unbecoming a member of the judiciary; would demonstrate your unfitness to hold the office of judge; and would warrant discipline, including but not limited to your removal from office and/or any other appropriate discipline recommended by the Florida Judicial Qualifications Commission and lawyer discipline.

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court,

in accordance with the Court's requirements. Copies of your response should be served on the undersigned Special Counsel, the Judicial Qualifications Office at 1110 Thomasville Road, Tallahassee, FL 32303 and John R. Beranek at Post Office Box 391, Tallahassee, FL 32302.

Respectfully submitted,

/s/

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**CERTIFICATION OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Charges has been furnished via Certified Mail No. 7001 2510 0007-6248 5408 to the **Honorable Cliff Barnes**, St. Lucie County Court, 226 Courthouse Addition, 218 S. 2nd Street, Fort Pierce, FL 34950, this 26<sup>th</sup> day of October, 2006.

/s/

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Brooke S. Kennerly  
Executive Director